

**THE BOROUGH OF WARRINGTON (EVELYN STREET, LONGSHAW STREET AND
WELLFIELD STREET) (REVOCATION AND DISABLED PERSONS PARKING
PLACES) ORDER 2009**

The Council of the Borough of Warrington (hereinafter referred to as “the Council”) in exercise of the powers of the said Council under Sections 1, 2, 4, 32, 35 and Part IV of Schedule 9 to the Road Traffic Regulation Act 1984 (“the Act”) and of all other enabling powers and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order: -

Part 1 – Interpretation

1. In this Order, except where the context otherwise required, the following expressions have the meaning hereby respectively assigned to them:

“A person authorised by the Council” means a person authorised by or on behalf of the Council to supervise the restrictions and prohibitions imposed by this Order;

“disabled person’s badge” means a badge in the form prescribed by regulation 11 of The Disabled Persons (Badges for Motor Vehicles) Regulations (England) 2000 issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7;

“delivering” and “collecting” in relation to any goods include checking the goods for the purpose of their delivery or collection;

“driver”, in relation to a vehicle means the person driving or has use of the vehicle;

“enactment” means any enactment, whether public, general or local and includes any Order, byelaw, rule, regulation, scheme or other instrument having effect by virtue of any enactment;

“goods” means goods of any kind whether animate or inanimate and includes postal packets of any description;

“owner” in relation to a vehicle means the person by whom such vehicle is kept and used. It is presumed (unless the contrary is proved) that the owner is the person in whose name the vehicle is registered or the person who has the use of such a vehicle in the course of his/her employment and who is entitled to use such a vehicle as though he/she were the registered keeper thereof;

“parking disc” means a device which –

- (a) is 125 millimetres square and coloured blue;
- (b) has been issued by a local authority and has not ceased to be valid; and
- (c) is capable of showing the quarter hour period during which a period of waiting has begun.

“parking place” means an area of a highway designated by this Order for the waiting of vehicles of specific classes and indicated on a carriageway by markings in accordance with the Traffic Signs Regulations and General Directions 2002;

“penalty charge” means a charge imposed by legislation in respect of road traffic contraventions that are subject to civil enforcement;

“Penalty Charge Notice” means a Notice issued or served by a person authorised by the Council pursuant to the provisions of Section 66 of the Road Traffic Act 1991;

“permitted hours” means the periods specified for each parking place during which waiting by vehicles of a specific class is permitted as specified in the Order;

“relevant position” means

- (a) in respect of a vehicle displaying a valid Disabled Person’s Badge -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the badge is exhibited thereon so that Part 1 (the front of the badge), is legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the badge is exhibited in a conspicuous position on the vehicle so that Part 1 of the badge is legible from outside the vehicle;
- (b) in respect of a vehicle displaying a parking disc -
 - (i) in the case of a vehicle fitted with a dashboard or fascia panel, the disc is exhibited thereon so that when marked to show the quarter period during which a period of waiting began, that period is clearly legible from outside the vehicle; or
 - (ii) in the case of a vehicle not fitted with a dashboard or fascia panel, the disc is exhibited in a conspicuous position on the vehicle so that when marked to show the quarter period during which a period of waiting began, that period is clearly legible from outside the vehicle;

“traffic sign” means a sign of any size, type and colour prescribed and authorised under, or as having effect as though prescribed or authorised under Section 64 of the Act of 1984;

2. Any reference in this Order to a numbered Article shall, unless the context requires otherwise, be construed as a reference to the Article bearing that number in this Order.
3. Any reference in this Order to any enactment shall be construed as a reference to that enactment as amended, applied, consolidated, re-enacted by or as having effect by virtue of any subsequent enactment.
4. The Interpretation Act 1978 shall apply to the interpretation of this Order as it applies for the interpretation of an Act of Parliament and as if for the purposes of Section 21 of that Act this Order were an Act of Parliament and the Orders revoked by this Order were Acts of Parliament thereby repealed.

5. The making of this Order by the Council is done so under the duty imposed by Section 122(1) of The Road Traffic Regulation Act 1984 to secure the expeditious, convenient and safe movement of vehicular and other traffic and the provision of suitable and adequate parking facilities on and off the Highway, insofar as practicable having regard to the matters in Section 122(2) of the said Act.

Part 2 – Revocation of Order

6. The Order detailed in Schedule 1 to this Order will be revoked to the extent as specified in Column 2 of the said Schedule.

Part 3 – Designated Disabled Persons' Parking Places

7. The lengths of roads and sides of roads specified in Schedule 2 to this Order are designated as parking places, prohibiting any person parking a vehicle at any of the disabled person's parking places unless a disabled person's badge and a parking disc are displayed in the relevant position.

Part 4 - Placing of Traffic Signs

8. The Council shall:-
- (a) place and maintain on or in the vicinity of each parking place appropriate traffic signs for indicating that such parking place may be used during the permitted hours for the leaving only of the vehicles in that place are specified in Schedule 2 to this Order; and
 - (b) carry out such other work as is reasonably required for the purposes of the satisfactory operation of a parking place.

Part 5 - Manner of Standing in Parking Places

9. Every vehicle left in a parking place in accordance with the foregoing provisions of this Order shall so stand:-
- (a) in the case of a parking place in relation to which special provisions as to the manner of standing of vehicles in that place are specified in Schedule 2 to this Order, so as to be in accordance with those provisions;
 - (b) in the case of any other parking place:-
 - (i) if the parking place is not in a one-way street, that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway;
 - (ii) if the parking place is in a one-way street, that the left or near side of the vehicle is adjacent to the left-hand edge of the carriageway or that the right or off side of the vehicle is adjacent to the right-hand edge of the carriageway; and

- (iii) that the distance between the edge of the carriageway and the nearest wheel of the vehicle is not more than 30 cm;
- (c) so that every part of the vehicle is within the limits of a parking space.

Part 6 – Movement and Removal of Vehicles from a Parking Place

Alteration of position of a vehicle in a Parking Place

- 10. Where any vehicle is standing in a parking place in contravention of the provisions of Article 9 of this Order a Police Constable in uniform, a Police Community Support Officer in uniform or a person authorised by the Council may alter or cause to be altered the position of the vehicle in order that its position shall comply with those provisions.

Removal of a vehicle from a Parking Place

- 11. Where a Police Constable in uniform, Police Community Support Officer in uniform or a person authorised by the Council is of the opinion that any of the provisions contained in Article 9 of this Order have been contravened or not complied with in respect of a vehicle left in a parking place, he may remove or cause to be removed the vehicle from the parking place, and where it is so removed, shall provide for the safe custody of the vehicle.

Movement of vehicles in Parking Places in Emergencies

- 12. A police constable in uniform or a person authorised by the Council may in case of emergency move or cause to be moved any vehicle left in a parking place to any place he/she thinks fit.

Movement and Removal of vehicles from Parking Place

- 13. When a vehicle is left in a parking place in contravention of any of the provisions contained in Article 9 of this Order, a person authorised by the Council to do so may remove the vehicle or arrange for it to be removed from that parking place alternatively when a vehicle is waiting in a parking place in contravention of the provision of Article 9 of this Order, a person authorised by the Council to do so may alter or cause to be altered the position of the vehicle so that its position shall comply with that provision.
- 14. Any person removing a vehicle or altering its position by virtue of Article 13 of this Order may do so in such manner as he/she thinks necessary.
- 15. When a person authorised by the Council removes or makes arrangements for the removal of a vehicle from a parking place by virtue of Article 13 of this Order, he/she shall make such arrangements as may be reasonably necessary for the safe custody of the vehicle.
- 16. All costs incurred by the Council under Article 13 in removing a vehicle from a parking place and in holding it secure shall be paid in full by the driver or owner thereof prior to its release from the custody of the Council or other person.

17. All costs incurred by the Council in altering the position of a vehicle under Article 13 shall be paid in full by the driver or owner thereof within 10 days of an invoice for such costs being received from the Council.

Power to Suspend use of Parking Places

18. (1) Any person authorised by the Council may suspend the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary:-
- (a) for the purpose of facilitating the movement of traffic or promoting its safety;
 - (b) for the purpose of any building operation, demolition or excavation in or adjacent to the parking place or the maintenance, improvement or reconstruction of the parking place or the laying, erection, alteration, removal or repair in or adjacent to the parking place of any sewer or of any main, pipe or apparatus for the supply of gas, water or electricity or of any telegraphic line or traffic sign;
 - (c) for the convenience of occupiers of premises adjacent to the parking place on any occasion of the removal of furniture from one office or dwellinghouse to another or the removal of furniture from such premises to a depository or to such premises from a depository;
 - (d) on any occasion on which it is likely by reason of some special attraction that any street will be thronged or obstructed; or
 - (e) for the convenience of occupiers of premises adjacent to the parking place at times of weddings or funerals, or on other special occasions.
- (2) A Police Constable in uniform may suspend for not longer than twenty-four hours the use of a parking place or any part thereof whenever he considers such suspension reasonably necessary for the purpose of facilitating the movement of traffic or promoting its safety.
- (3) Any person suspending the use of a parking place or any part thereof in accordance with the provisions of paragraph (1) or paragraph (2) of this Article shall thereupon place or cause to be placed in or adjacent to that parking place or the part thereof the use of which is suspended a traffic sign indicating that waiting by vehicles is prohibited.
- (4) No person shall cause or permit a vehicle to be left in any parking place or part of a parking place during such period as there is in or adjacent to that parking place or part of a parking place a traffic sign placed in pursuance of paragraph (3) of this Article:

Provided that nothing in this paragraph shall render it unlawful to cause or permit any vehicle being used for fire brigade, ambulance or police purposes or any vehicle being used for any purpose specified in Article 18 (1) (b), (d) or (e) of this Order to be left in the parking place or part of a parking place during any such period, or to any other

vehicle so left if that vehicle is left with the permission (i) of the person suspending the use of the parking place or the part thereof in pursuance of paragraph (1) of this Article, (ii) of a police constable in uniform (iii) of a Police Community Support Officer or (iv) person authorised by the Council.

Part 7 - Penalty Charges

Contravention

19. If a vehicle is left in a parking place during the permitted hours or in any road or length of road in contravention or without complying with the requirements of this Order a contravention shall have occurred and a penalty charge shall be payable and/or the vehicle may be removed from that location.

Penalty Charge Notice

20. In the case of vehicles in respect of which a penalty charge may have been incurred, it shall be the duty of the person authorised by the Council to issue a notice showing the information required by the appropriate legislation in accordance with the requirements of the legislation or any subsequent applicable legislation and/or the vehicle may be removed from the location.

Manner of payment of Penalty Charge

21. The penalty charge shall be paid to the Council within 28 days of the issue of the penalty charge Notice either;
- (a) by cheque, bankers' draft, money order or postal order delivered or sent by post as indicated on the penalty charge Notice, or
 - (b) by cheque, postal order, in cash, by credit card or debit card in person at any Borough of Warrington Council office which accepts such payments, or
 - (c) by credit card or debit card over the phone using the number specified on the penalty charge Notice

Provided that, if the said twenty eight day falls upon a day on which the said Department or office is closed, the period within which payment of the said charge shall be made to the Council shall be extended until 4.30 on the next full day on which the said Department is open.

22. If the penalty charge is paid before the end of the period of 14 days beginning with the date of the Notice, the amount of the penalty charge will be reduced by the specified proportion.
23. If the owner fails to pay the penalty charge by the end of the 28 day period, a Notice of owner may be served; and if the charge is not paid within a further 28 days it may be increased by 50% on the issue of a charge certificate in accordance with the provisions of paragraph 6 of schedule 6 of the 1991 Act.

24. Continuing failure to pay the penalty charge may result in a judgement in the County Court against the owner to enable the Council to recover the payments due.

Indications as evidence

25. The particulars given in the penalty charge Notice attached to a vehicle in accordance with Article 20 shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

Restriction on removal of Notices

26. Where a Penalty Charge Notice has been attached to a vehicle in accordance with the provisions of Article 20 no person, not being the driver of the vehicle, a police constable in uniform, a person authorised by the Council or some other person duly authorised by the Council shall remove the Notice from the vehicle unless authorised to do so by the keeper of the vehicle.

Immobilisation

27. If a vehicle is left after a penalty charge has been incurred, a person authorised by the Council or a person acting under his/her direction may attach to the vehicle an immobilisation device and a Notice in accordance with the requirements of section 69(1) of the Road Traffic Act 1991 and that vehicle shall only be released from the device on payment of the penalty charge, or as the case may be reduced penalty charge, along with such release fee as may be required by the Council.

Part 8 – Citation

28. The restrictions imposed by this Order shall be in addition to and not in derogation from any restriction or requirements imposed by any regulations made or having effect as if made under the Act or by or under any other enactment.
29. This Order shall come into operation on the 6th day of February 2009 and may be cited as "The Borough of Warrington (Evelyn Street, Longshaw Street and Wellfield Street) (Revocation and Disabled Persons Parking Places) Order 2009".

SCHEDULE 1 - REVOCATION

Column 1

The Borough of Warrington (Brighton Street, Earl Street, Bramhall Street, Wellfield Street and Catfoss Close) (Disabled Person's Parking Places) Order 2007

Column 2

In so far as it relates to the Disabled Persons Parking Place on Wellfield Street (Outside No. 407).

SCHEDULE 2 – DISABLED PERSONS PARKING PLACES
(At all times)

<p align="center">Column 1</p> <p align="center">Areas of Highway Designated as Disabled Persons Parking Places. Each area described below in this column, being an area forming part of the carriageway of a specified highway, is a Designated Disabled Persons Parking Place</p>	<p align="center">Column 2</p> <p align="center">Special Manner of Standing of Vehicle In Parking Place</p>
<p>All that part of the south side of Evelyn Street which is bounded on the south by so much of the edge of the carriageway of that highway as extends from a point 37 metres west of its junction with Cannell Street in a westerly direction for a distance of 5 metres, all measured along the said road and which has a width of 1.8 metres.</p>	<p align="center">Parallel to the kerb</p>
<p>All that part of the west side of Longshaw Street which is bounded on the west by so much of the edge of the carriageway of that highway as extends from a point 23.5 metres north of the alley adjacent to No. 108 Longshaw Street in a northerly direction for a distance of 5 metres, all measured along the said road and which has a width of 1.8 metres.</p>	<p align="center">Parallel to the kerb</p>

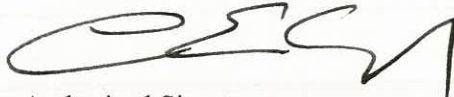
Given under the Common Seal of the Council of the Borough of Warrington this 28th day of January 2009.

The Common Seal of the **BOROUGH**)
OF WARRINGTON was hereunto)
 affixed in the presence of)

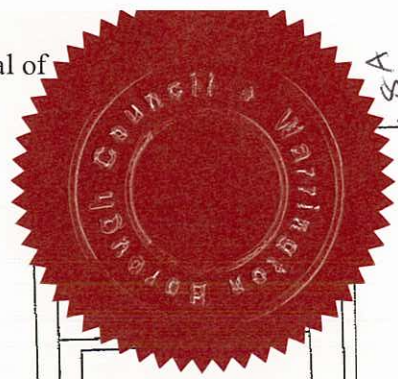

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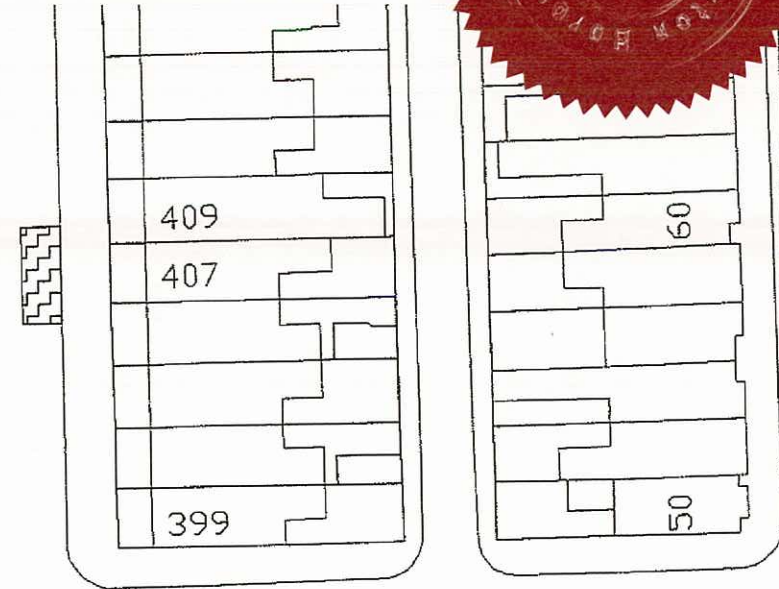
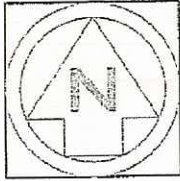
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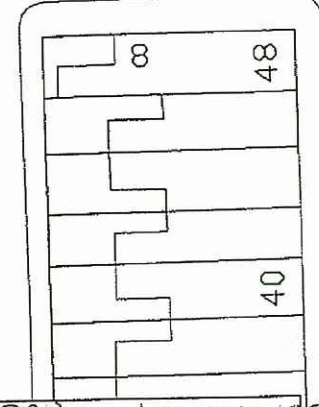
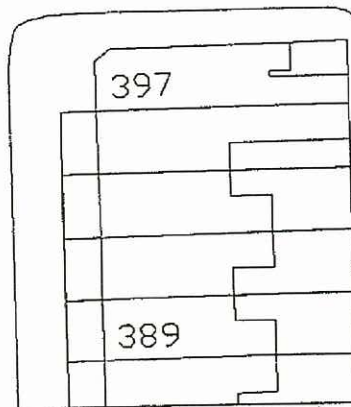
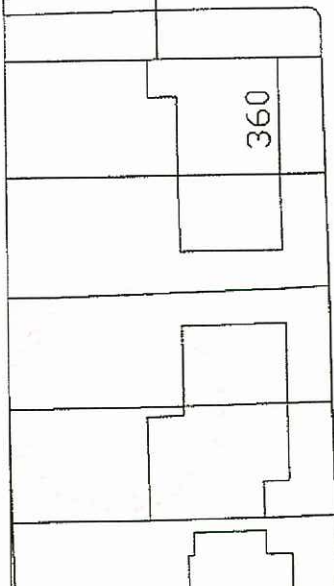


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WELLFIELD STREET

RADNOR STREET



Proposed DPP to be removed
Proposed revocation of Disabled Persons Parking Place for one vehicle.

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The Borough of Warrington (Longshaw Street, Evelyn Street, Gaskell Street and Wellfield Street)(Disabled Persons Parking Place) Order, 2008



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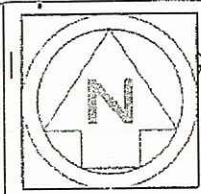
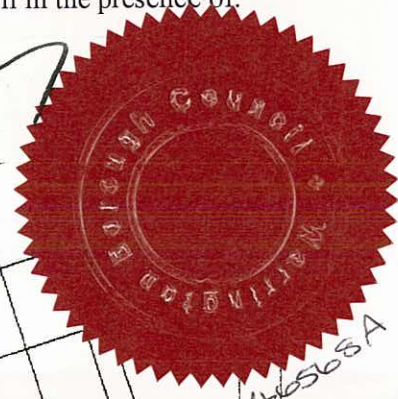
Date SEP 2008

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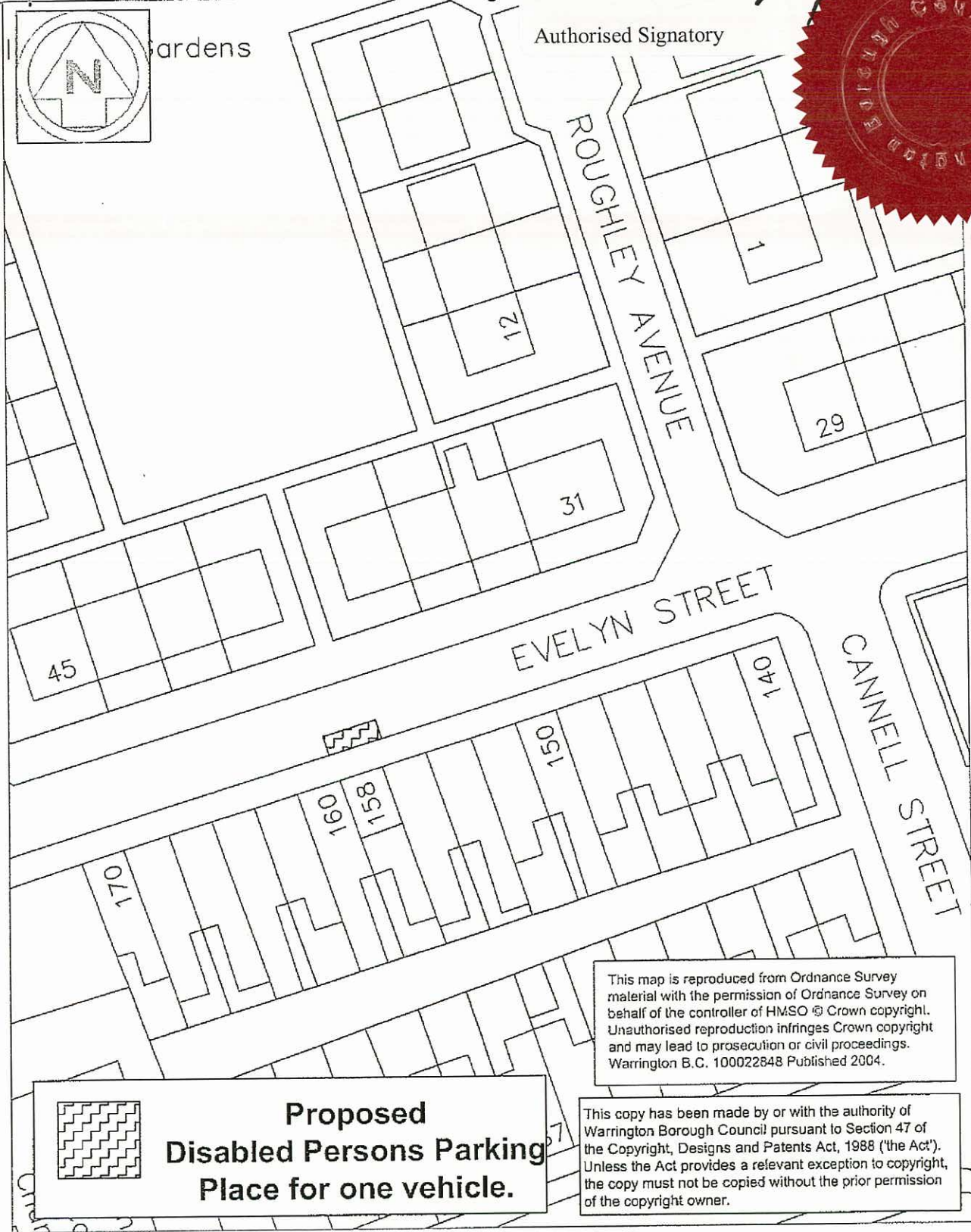
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 **Proposed Disabled Persons Parking Place for one vehicle.**

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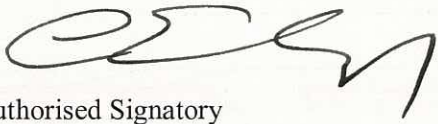
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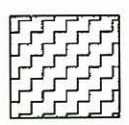
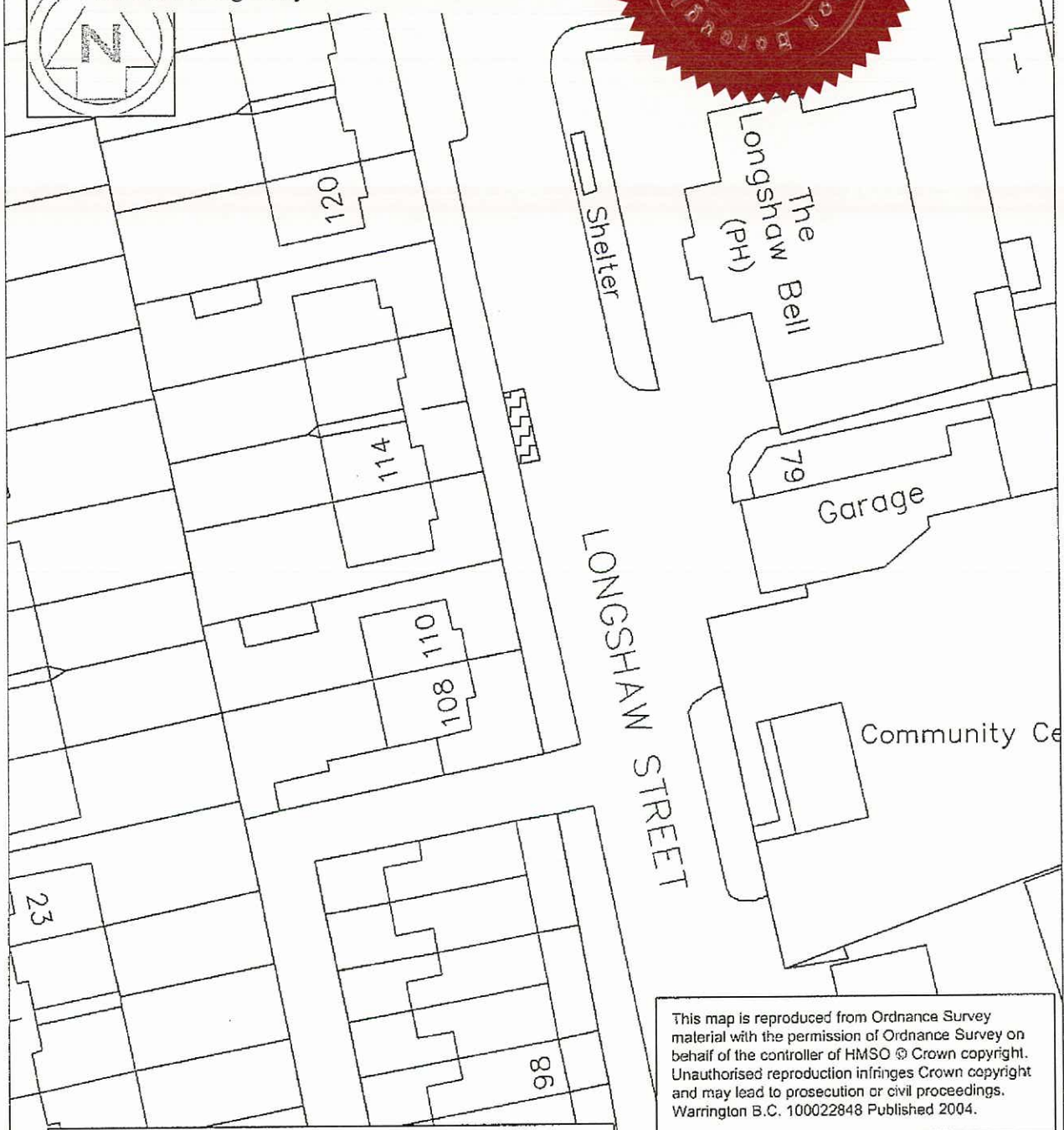
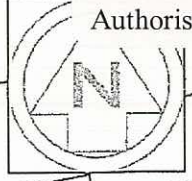
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Proposed Disabled Persons Parking Place for one vehicle.

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